

**MINUTES
FREMONT CITY COUNCIL REGULAR MEETING
FEBRUARY 10, 2009
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

1.1 Call to Order: Mayor Wasserman called the meeting to order.

1.2 Flag Salute: Cub Scout Pack 176 Den 4 and Den 12 led the salute to the flag.

1.3 Roll Call: Present: Mayor Wasserman, Vice Mayor Natarajan, Councilmembers: Wieckowski, Harrison, and Chan.

1.4 Announcements by Mayor/City Manager

2. CONSENT CALENDAR

- * **2.1 Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Vice Mayor Natarajan, seconded by Councilmember Harrison, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Wasserman, Vice Mayor Natarajan, Councilmembers: Wieckowski, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

- * **2.2 Approval of Minutes for the Regular Meeting of January 27, 2009.**

On a motion by Vice Mayor Natarajan, seconded by Councilmember Harrison, the City Council approved the minutes for the Regular Meeting of January 27, 2009.

Ayes:	Mayor Wasserman, Vice Mayor Natarajan, Councilmembers: Wieckowski, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

- * **2.3 Mayor Wasserman opened consideration of the Approval of an Amendment to the Professional Services Agreement with Quincy Engineering, Inc., to Complete the Design Services for the Niles Boulevard Bridge Replacement Project, City Project 8460(PWC)**

On a motion by Vice Mayor Natarajan, seconded by Councilmember Harrison, the City Council:

1. Authorized the City Manager or his designee to execute Amendment No. 1 to the Service Agreement for Niles Boulevard Bridge Replacement Project, City Project 8460(PWC) for Design Services with Quincy Engineering, Inc., in an amount not to exceed \$119,800.
2. Authorized the appropriation of \$1,247,936 of Proposition 1B Funds to 528PWC8460.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski, Harrison and Chan
Noes: None
Absent: None
Abstain: None

*** 2.4 Mayor Wasserman opened consideration of the Appropriation of \$65,720 from the San Francisco Foundation, the East Bay Community Foundation, and the United Way of the Bay Area for the Fremont Family Resource Center Family Economic Success Program**

On a motion by Vice Mayor Natarajan, seconded by Councilmember Harrison, the City Council appropriated a total of \$65,720 to Fund 992, including funding from the San Francisco Foundation for \$25,000, East Bay Community Foundation for \$20,720, and United Way of the Bay Area for \$20,000.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski, Harrison and Chan
Noes: None
Absent: None
Abstain: None

3. CEREMONIAL ITEMS

3.1 Proclamation: Spay Day USA, February 26, 2009

4. PUBLIC COMMUNICATIONS

4.1 Oral and Written Communications

Roger Shanks provided an update on the Thornton Avenue and Cabrillo Drive project. Manish Tandon, Pushkar Mingwe, Jon Takei, and Bernadette Chinn expressed opposition to the proposed location of the A's ballpark in the Warm Springs area. Ivy Wu expressed support for conducting a public opinion survey for the A's ballpark project. Jane Bark expressed concern related to the appointment process for Planning Commissioners and spoke in opposition to the proposed location of the A's ballpark in the Warm Springs area. Terry Queenan expressed concern related to the public forums held for the proposed ballpark project.

5. SCHEDULED ITEMS – None.

*Consent Items

5.1 Mayor Wasserman opened consideration of a Public Hearing (Published Notice) to Consider a Planning Commission Recommendation for a Rezoning from Central Business District (C-B-D) to Planned District (P-2008-177), Tentative Tract Map 7996 to Create Twelve Residential Condominiums, Twelve Office Condominiums and Six Commercial Condominiums, and a Preliminary Grading Plan for a 4-Story Mixed-Use Development on a Vacant 0.82-acre Lot Located in the Central Planning Area (PLN2008-00177)

Planning Director Jeff Schwob provided an overview of the project. Staff and the applicant responded to questions from Councilmembers. Mayor Wasserman opened the public hearing. There were no speakers. Mayor Wasserman closed the public hearing. Councilmembers provided comment.

On a motion by Councilmember Wieckowski, seconded by Councilmember Harrison, the City Council:

1. Held a public hearing;
2. Adopted the Mitigated Negative Declaration and Mitigation Monitoring Plan as shown in Exhibit "A" of the staff report, and found that this action reflects the independent judgment of the City of Fremont;
3. Found that Planned District P-2008-177, Tentative Tract Map 7996, and the proposed Precise Plan and Preliminary Grading Plan as shown in Exhibits "C", "D" and "E", respectively, are consistent with the current General Plan and fulfill the applicable requirements set for in the Fremont Municipal Code;
4. Waived full reading and introduced an ordinance rezoning the subject property from Central Business District (C-B-D) to Planned District P-2008-177, as shown on Exhibit "B", and adopting Exhibit "C" (Planned District P-2008-177 Development Plans), Exhibit "D" (Tentative Tract Map) and Exhibit "E" (Preliminary Grading Plan) together with the findings and conditions in Exhibit "F" as the Precise Plan for P-2008-177;
5. Approved Tentative Tract Map 7996, and the proposed Preliminary Grading Plan as depicted in Exhibits "D" and "E", respectively, based on the findings and subject to the conditions of approval contained in Exhibit "F"; and
6. Directed staff to prepare and the City Clerk to publish a summary of the above ordinance.

Ayes:	Mayor Wasserman, Vice Mayor Natarajan, Councilmembers: Wieckowski and Harrison
Noes:	Councilmember Chan
Absent:	None
Abstain:	None

6. REPORT FROM CITY ATTORNEY

6.1 Mayor Wasserman opened consideration of a Report Out from Closed Session of Any Final Action

City Attorney Harvey Levine reported that Council authorized settlement of the Hughes, Michael v. City of Fremont Case No. RG06253026.

7. OTHER BUSINESS

7.1 Mayor Wasserman opened consideration of the Invitation to Apply to Serve on the San Francisco Bay Restoration Authority Board

Mayor Wasserman provided an explanation for placing this item on the agenda and the importance of having representation from Council to this Board.

By consensus, the City Council agreed to participate on the San Francisco Bay Restoration Authority Board and authorized Councilmember Wieckowski to complete and submit a Statement of Interest for consideration in serving on the Authority Board.

8. COUNCIL COMMUNICATIONS

8.1 Council Referrals

8.1.1 Mayor Wasserman opened consideration of the Appointment and Reappointments to Advisory Bodies

Mayor Wasserman opened the item for public comment. Russell Engle and Prabhu Loganathan expressed opposition to the recommended appointment of Lisa Quan to the Planning Commission. There were no other speakers. Mayor Wasserman closed public comment. Councilmembers provided comment. Vice Mayor Natarajan requested that Council review the Planning Commission appointment process in the future. Councilmember Wieckowski expressed interest in interviewing Ms. Quan prior to appointment. By consensus, Council continued the appointment of Ms. Quan to the Planning Commission to the February 24, 2010 Council meeting.

By consensus, Council appointed and reappointed the following individuals with terms to expire as noted below:

Appointments:

<i>Advisory Body</i>	<i>Appointee</i>	<i>Term Expires</i>
George W. Patterson House Advisory Board	Sue Murray	December 31, 2009
Library Commission	Evelyn Tong	December 31, 2012
Redevelopment Agency Relocation Appeals Board	Maryanne Koller	December 31, 2010

Reappointments:

<i>Advisory Body</i>	<i>Appointee</i>	<i>Term Expires</i>
Recreation Commission	Roman Jason Patrick Reed	December 31, 2012

8.1.2 Mayor Wasserman opened consideration of the Appointments to Outside Commissions, Committees and Boards

By consensus, the City Council adopted Resolution No. 2009-8 designating Council assignments to outside committees, commissions, and boards with an amendment to the Alameda County CMA Administration Legislative Committee to reflect that Councilmember Wieckowski has been moved to the Programs & Review Committee as delegate. This resolution modifies and replaces the resolution adopted by the Council on January 27, 2009.

8.2 Oral Reports on Meetings and Events - none.

- 9. ADJOURNMENT:** There being no further business, Mayor Wasserman adjourned the meeting in memory of Robert "Bob" Coop, Fremont's first City Manager and Tony Azevedo, former Councilmember at 9:00 p.m.

Attest:

Approved:

Dawn G. Abrahamson, City Clerk

BOB WASSERMAN, Mayor